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DEPT FOR T, VC AND EUR/PRA  
DOE FOR NNSA/NA-24  
CIA FOR WINPAC  
JCS FOR J5/DDGSA  
SECDEF FOR OSD(P)/STRATCAP  
NAVY FOR CNO-N5JA AND DIRSSP  
AIRFORCE FOR HQ USAF/ASX AND ASXP  
DTRA FOR OP-OS OP-OSA AND DIRECTOR  
NSC FOR LOOK  
DIA FOR LEA

E.O. 12958: DECL: 10/02/2019

TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)

SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA (SFO-GVA-V):  
U.S.-PROPOSED TEXT FOR THE PROTOCOL ON INSPECTIONS AND  
ANNEX A TO INSPECTION PROTOCOL II PROVISIONS CONCERNING THE  
LEGAL STATUS OF INSPECTORS, MONITORS, AND AIRCREW MEMBERS,  
SEPTEMBER 24, 2009

Classified By: A/S Rose E. Gottemoeller, United States  
START Negotiator. Reasons: 1.4(b) and (d).

[1](#)1. (U) This is SFO-GVA-V-039.

[1](#)2. (S) The text at Paragraph 3 is the U.S.-proposed text for  
the Protocol on Inspections (Sections I - General  
Obligations, Section II - Provisions Concerning the Legal  
Status of Inspectors, ((Monitors,))1 and Aircrew Members((,  
and Annex A to Inspection Protocol II Provisions Concerning  
the Legal Status of Inspectors, Monitors, and Aircrew  
Members))1. The text was provided to and discussed at the  
Inspection Protocol Working Group Meeting on September 25,  
[1](#)2009.

[1](#)3. (S) Begin text:

U.S. Proposed Joint Draft Text  
September 24, 2009 v2.1

PROTOCOL ON INSPECTIONS,((VISITS,))2 EXHIBITIONS((, AND  
CONTINUOUS MONITORING ACTIVITIES RELATING TO THE TREATY  
BETWEEN THE UNITED STATES OF AMERICA AND THE RUSSIAN  
FEDERATION ON MEASURES FOR THE FURTHER REDUCTION AND  
LIMITATION OF STRATEGIC OFFENSIVE ARMS))1

((Pursuant to and in implementation of the Treaty Between the  
United States of America and the Russian Federation on  
Measures for the Further Reduction and Limitation of  
Strategic Offensive Arms, hereinafter referred to as the

Treaty, the Parties hereby agree upon procedures governing the conduct of inspections and continuous monitoring activities provided for in Article XI of the Treaty.))1

## I. General Obligations

For the purpose of helping to ensure verification of compliance with the provisions of the Treaty, each Party shall facilitate the conduct of inspections ((, visits, and exhibitions))2 ((and continuous monitoring activities))1 by the other Party in accordance with the provisions of this ((Protocol))1 ((Section))2.

## II. Provisions Concerning the Legal Status of Inspectors, ((Monitors,))1 and Aircrew Members

11. Inspections ((,visits, and exhibitions))2 ((and continuous monitoring activities))1 shall be conducted by inspectors ((and monitors))1. ((Except as provided for in paragraph 6 of Section IV of this Protocol, inspectors and monitors shall be transported to the territory of the inspected Party by inspection airplanes. Inspectors and monitors, as well as aircrew members that operate these airplanes, shall be assigned in accordance with paragraphs 2, 3, 4, and 5 of this Section.))1

22. The list of inspectors shall not contain at any one time more than ((400))1 ((200))2 individuals((, and the list of monitors shall not contain at any one time more than 300 individuals.))1 The number of individuals on the list of aircrew members shall ((be determined at the discretion of

each party, based on the premise that the number of aircrew members for each inspection airplane shall not exceed ten.))2 ((not be limited.))1 Inspectors ((and monitors))1 shall be citizens of the inspecting Party.

33. ((Each Party shall have the right to inform the other Party of its agreement with, or objection to, the designation of each inspector, monitor, and aircrew member proposed, by providing a notification in accordance with paragraph 21 of Section III of this Protocol.))1

44. Each Party shall have the right to amend its lists of inspectors((, monitors,))1 and aircrew members no more than once ((each 3-month period))2((in each 21-day period, by providing the other Party with a notification in accordance with paragraph 20 of Section III of this Protocol))1

55. ((No later than 25 days after entry into force of the Treaty, or no later than 30 days after receipt of a notification of amendments to the lists of inspectors, monitors, or aircrew members, the Party receiving such lists or proposed amendments thereto shall provide visas and, where necessary, such other documents to each individual to whom it has agreed.))1

66. ((An individual on the list of inspectors may be objected to only if that individual is under indictment for a criminal offense on the territory of the inspected Party or if that individual has been convicted in a criminal prosecution or expelled by the Party reviewing the list.))1 ((An individual on the list of ((inspectors))2 ((monitors))1 or aircrew members may be objected to ((subsequently))2 if that individual is found unacceptable by the Party ((that reviewed the list previously))2 ((reviewing the list))1. The Party making such an objection shall so notify the other Party in accordance with paragraph ((21 of Section III of this Protocol))1 (paragraph 5 of Subsection VI of Section IV).2 ((Individuals who are objected to shall be deleted from the lists.))1

77. A team conducting an ((Nuclear Warhead))1 inspection shall include no more than ((10))1((9))2 inspectors.

18. A team ((participating in a visit))2 ((conducting a Data Update Inspection))1 shall include no more than ((10))1 ((7))2 inspectors.

19. A team participating in an exhibition shall include no more than ((20))1 ((10))2 inspectors.

10. ((In order to exercise their functions effectively, for the purpose of implementing the Treaty and not for their personal benefit,))1 the inspectors, ((monitors,))1 and aircrew members shall be accorded the following privileges and immunities:

(a) Inspectors, ((monitors))1, and aircrew members shall be accorded the inviolability enjoyed by diplomatic agents in accordance with Article 29 of the Vienna Convention on Diplomatic Relations of April 18, 1961.

(b) ((The office premises, except for those in the operations center, and living quarters for monitors shall be accorded the inviolability and protection accorded to the premises of the mission and private residences of diplomatic agents in accordance with Articles 22 and 30 of the Vienna Convention on Diplomatic Relations.))1

(c) The papers and correspondence of inspectors, ((monitors))1, and aircrew members shall enjoy the inviolability accorded to the papers and correspondence of diplomatic agents in accordance with Article 30 of the Vienna Convention on Diplomatic Relations.

(d) Inspection airplanes ((delivering inspection teams to points of entry))2 shall be inviolable. ((This shall not affect airplanes making regularly scheduled commercial flights that are used for the transportation of inspectors and monitors to points of entry, or their aircrews.))1

(e) Inspectors, ((monitors))1, and aircrew members shall be accorded the immunities accorded diplomatic agents in accordance with paragraphs 1, 2, and 3 of Article 31 (29) of the Vienna Convention on Diplomatic Relations. ((The immunity from jurisdiction with respect to an inspector, monitor, or aircrew member may be waived by the inspecting Party in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of the Treaty. Waiver must always be express.))1

(f) ((Monitors shall be accorded the exemption from dues and taxes accorded to diplomatic agents in accordance with Article 34 of the Vienna Convention on Diplomatic Relations.))1

(g) Inspectors, ((monitors))1, and aircrew members of a Party shall have the right to bring into the territory of the other Party, without payment of any customs duties or related charges, articles for their personal use, with the exception of articles, the import or export of which is prohibited by law or controlled by quarantine regulations.

(h) ((If the inspected Party considers that there has been an abuse of privileges and immunities provided for in this paragraph, consultations shall be held between the Parties to determine whether such an abuse has occurred. If it is determined that such an abuse has occurred, the inspecting Party shall take necessary measures to prevent a repetition of such an abuse.))1

((The privileges and immunities provided for in this paragraph shall be accorded for the entire time the inspectors, monitors, or aircrew members are within the territory of the other Party, and thereafter with respect to acts previously performed in the exercise of their official functions. During their stay in the territory of the inspected Party,))1 without prejudice to the privileges and

immunities provided for in this paragraph, inspectors, ((monitors))<sup>1</sup>, and aircrew members shall be obliged to respect the laws and regulations of the inspected Party, shall be obliged not to interfere in its internal affairs,

and shall not engage in any professional or commercial activity for personal profit on the territory of the inspected Party.

((Annex A to Inspection Protocol II  
Provisions Concerning the Legal Status of Inspectors,  
Monitors, and Aircrew Members))<sup>1</sup>

11. ((The Parties shall have the right to change, by mutual agreement, the number of inspectors and monitors that each of these lists may contain. For each proposed inspector, monitor, and aircrew member, the lists shall contain first name, middle name or patronymic, and last name; day, month, and year of birth; city, state or oblast, and country of birth; and passport number, if available))<sup>1</sup>

12. ((Subject to the provisions of paragraph 2 of IP II,))<sup>1</sup>  
((With each change, the number of inspectors whose names are entered in the list of inspectors shall not exceed 30, the number of monitors whose names are entered in the list of monitors shall not exceed 25 and the number of aircrew members whose names are entered in the list of aircrew members shall not exceed 25. The Party receiving notification of an amendment to the list of inspectors, monitors, or aircrew members shall provide notification to the other Party, in accordance with paragraph 21 of Section III of this Protocol, of its agreement with or objection to the designation of each such inspector, monitor, or aircrew member.))<sup>1</sup>

13. ((As may be required to ensure that each inspector, monitor, or aircrew member may enter and remain in the territory of that Party throughout the in-country period. The inspected Party shall ensure that such visas and appropriate documents shall be valid for a period of at least 24 months, and the inspecting Party shall ensure that persons receiving such visas and appropriate documents shall use them only for the purpose of conducting inspections or continuous monitoring activities in accordance with the provisions of the Treaty and its Protocols.))<sup>1</sup>

14. ((In the event the inspected Party subsequently determines that an inspector, monitor, or aircrew member of the other Party is under indictment for a criminal offense on the territory of the inspected Party or has ever been convicted in a criminal prosecution or expelled by the inspected Party, or has violated the conditions governing the conduct of inspections or continuous monitoring activities provided for in this Protocol, the inspected Party making such determination may so notify the inspecting Party in accordance with paragraph 22 of Section III of this Protocol. In the event that the inspecting Party is so notified, that Party shall promptly recall that individual from the territory of the inspected Party, if that individual is there at such a time. The inspecting Party shall also delete the individual from the list of inspectors, monitors, or aircrew members.))<sup>1</sup>

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(( ))<sup>1</sup> Proposed by the United States  
(( ))<sup>2</sup> Proposed by the Russian Federation

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End text.

14. (U) Gottemoeller sends.

